

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STEPHAN FLEMENS and GEORGE JONES,
on behalf of themselves and all others similarly situated, : Case No.:
JOSE RODRIGUEZ, WAI YUN AU, : 17 Civ. 7088 (RER)
MICHAEL WILLIAMS, and NORMAN FORBES, individually, :
:
Plaintiffs, :
:
- against - :
:
THE ANTHEM COMPANIES, INC., THE ANTHEM :
COMPANIES INDIANA, AMERIGROUP NEW YORK, LLC, :
d/b/a AMERIGROUP, and AMERIGROUP IPA OF NEW :
YORK, LLC, d/b/a AMERIGROUP. :
:
Defendants. :
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STIPULATION REGARDING 216(b) NOTICE

Plaintiffs and Defendants, by and through their undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, Plaintiffs commenced this suit, bringing claims under the New York Labor Law (“NYLL”) and the Fair Labor Standards Act (“FLSA”), as a collective action, in the United States District Court for the Eastern District of New York;

WHEREAS, the parties have reached agreement regarding the scope of collective action conditional certification and issuance of notice;

NOW THEREFORE IT IS STIPULATED AND AGREED AS FOLLOWS:

1. The parties have negotiated an FLSA notice form (“Notice”) and a consent to join form (“Consent”) appended hereto as Exhibit A to be sent to the group identified below.
2. Notice shall be sent to RV Drivers who currently work for Defendants.

3. Within fifteen (15) days of the Court's approval of the Notice and Consent, Defendants shall provide Plaintiffs' counsel with a list in Microsoft Excel format (the "List"), containing the following information: the full names and last known residence addresses of all current RV Drivers.

4. Within fifteen (15) days of Plaintiffs' counsel's receipt of the List from Defendants, Plaintiffs' counsel shall cause copies of the Notice and Consent, together with a stamped return envelope addressed to Plaintiffs' counsel, to be sent by First Class Mail to the individuals set forth on the List.

5. As is set forth in the Notice, the putative participants in this action identified above shall have thirty (30) days from the mailing of the Notice to join this action by filing their Consent.

6. If a Notice sent to an individual on the List is returned undeliverable, Plaintiffs will notify Defendants, and to the extent Defendants possess such information, Defendants will provide Plaintiffs' counsel with the individual's last known telephone number or last known email address in order for Plaintiffs' counsel to attempt to identify a subsequent address, and send an additional Notice and Consent mailing to that address via First Class Mail. Any email or telephone communications by Plaintiffs' counsel in furtherance of their efforts to obtain mailing addresses shall be limited to a request for a current mailing address.

7. Consent forms shall be returned to Plaintiffs' counsel.

8. Nothing in this Stipulation shall constitute an admission or denial by any party.

Shulman Kessler LLP
Attorneys for Plaintiffs

By: Saranicole A. Duaban
Saranicole A. Duaban

Date: 12/10/18

Seyfarth Shaw LLP
Attorneys for Defendants

By: /s/ Kevin Young
Kevin Young

Date: 12/10/18

SO ORDERED THIS 12th DAY OF December, 2018.

/s/*Ramon E. Reyes, Jr.*
Hon. Ramon E. Reyes
United States Magistrate Judge